

## REMARKS/ARGUMENTS

In the prior Office Action, the Examiner withdrew claims 9-16 and 20 from consideration and examined claims 1-8 and 19.

Initially, the Examiner rejected claims 1-8 and 19 under 35 U.S.C. §102(e) as being anticipated by Chattopadhyay et al., U.S. Pat. 6,998,051 B2 (hereinafter "the '051 Patent"). To overcome this rejection, applicant has filed a Declaration Under 37 C.F.R. §1.132 of Pratibhash Chattopadhyay, which shows that any invention disclosed but not claimed in the '051 Patent was derived from the co-inventors of the present application, and is thus not an invention "by another" as required to make a rejection under 35 U.S.C. §102(e).

Next, the Examiner rejected claims 1-8 and 19 as being unpatentable over claims 1-20 of the '051 Patent on nonstatutory obviousness-type double patenting grounds. To obviate this rejection, applicant has timely filed a terminal disclaimer in accordance with 37 C.F.R. §1.321(c).

Finally, the Examiner rejected claims 1-8 and 19 as being unpatentable over claims 1-18 of Chattopadhyay et al., U.S. Pat. 7,083,748 B2 on nonstatutory obviousness-type double patenting grounds. To obviate this rejection, applicant has timely filed a terminal disclaimer in accordance with 37 C.F.R. §1.321(c).

Inasmuch as all grounds for rejecting claims 1-8 and 19 have either been overcome and/or obviated and such claims are now condition for allowance, applicant respectfully requests that the Examiner examine the remaining claims of the elected Group I invention, namely claims 9-16 and 20, which are drawn to a non-elected species.

In light of the foregoing, it is respectfully submitted that the present application is in condition for allowance and a notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge the same to Deposit Account No. 18-0160, Order No. FER-14669.001.001.

Respectfully submitted,

RANKIN, HILL & CLARK LLP

By: /Randolph E. Digges, III/  
Randolph E. Digges, III  
Reg. No. 40590

23755 Lorain Road, Suite 200  
North Olmsted, OH 44070  
TEL: (216) 566-9700  
FAX: (216) 566-9711  
docketing@rankinhill.com